1 2 3 4 5 6 7 8 9	THOMAS V. CHRISTOPHER (SBN # 185928) Thomas@ThomasChristopherLaw.com THE LAW OFFICES OF THOMAS V. CHRISTOPHER 555 California Street, Suite 4925 San Francisco, California 94104 Telephone: (415) 659-1805 Facsimile: (415) 659-1950 Attorneys for Plaintiff 3taps, Inc. JONATHAN H. BLAVIN (SBN 230269) jonathan.blavin@mto.com NICHOLAS D. FRAM (SBN 288293) nicholas.fram@mto.com ELIA HERRERA (SBN 293278) elia.herrera@mto.com MUNGER, TOLLES & OLSON LLP 560 Mission Street, 27th Floor San Francisco, California 94105 Telephone: (415) 512-4000 Facsimile: (415) 512-4077				
3	Attorneys for Defendant LinkedIn Corporation				
14 15 16 17	UNITED STATES DISTRICT COURT NORTHERN DISTRICT OF CALIFORNIA SAN FRANCISCO DIVISION				
18 19 20 21 22 23 24 25 26 27 28	3taps, Inc., Plaintiff, vs. LinkedIn Corporation, Defendant.	ORDER CLA	r-00855-EMC N AND [PROPOSED] RIFYING STAY Edward M. Chen February 8, 2018 None Set	255 FMC	

STIPULATION AND [PROPOSED] ORDER CLARIFYING STAY

1	STIPULATION AND [PROPOSED] ORDER
2	WHEREAS, Plaintiff 3taps, Inc. ("3taps") filed the complaint in the above-captioned
3	action (the "3taps Action") against Defendant LinkedIn Corporation ("LinkedIn") on February 8,
4	2018 ("Complaint," ECF No. 1);
5	WHEREAS, on February 14, 2018, 3taps moved to relate the 3taps Action to hiQ Labs,
6	Inc. v. LinkedIn Corp., No. 17-cv-03301-EMC (the "hiQ Action") (see ECF No. 97 in No. 17-cv-
7	03301-EMC);
8	WHEREAS, on February 23, 2018, the 3taps Action was reassigned to this Court as related
9	to the hiQ Action;
10	WHEREAS, LinkedIn took an appeal in the hiQ Action to the Court of Appeals for the
11	Ninth Circuit, (No. 17-16783, the "hiQ Appeal");
12	WHEREAS, this Court stayed the hiQ Action pending the issuance of the mandate from
13	the Court of Appeals for the Ninth Circuit (see ECF No. 80 in the hiQ Action);
14	WHEREAS, on March 7, 2018, this Court stayed the above-captioned action pending
15	resolution of the appeal in the hiQ Action (see ECF No. 10);
16	WHEREAS, on September 9, 2019, a panel of the Court of Appeals for the Ninth Circuit
17	issued an opinion on the merits in the hiQ Appeal (the "hiQ Panel Opinion");
18	WHEREAS, LinkedIn is considering seeking panel or en banc rehearing of the hiQ Panel
19	Opinion;
20	WHEREAS, the hiQ Action remains stayed pending the issuance of a mandate from the
21	Ninth Circuit (see ECF No. 80 in the hiQ Action);
22	WHEREAS, the parties agree that a stay in this action pending the issuance of a mandate
23	from the Ninth Circuit is in the interest of judicial efficiency and conserving the resources of this
24	Court and the parties;
25	NOW, THEREFORE, FOR GOOD CAUSE, IT IS HEREBY STIPULATED AND
26	AGREED:
27	1. The Expiration Date of the current stay in this action shall be the day after
28	the Court of Appeals for the Ninth Circuit issues its mandate in the hiQ Appeal;

1	2. Within 10 days of the Ex	xpiration Date, the parties shall inform the Court			
2	that the Ninth Circuit has issued its mandate;				
3	3. All other provisions in the stipulation and order concerning the existing stay				
4	in this matter (ECF No. 10) remain in place.				
5	4. The case management conference, currently set for November 14, 2019 at				
6	9:30 a.m., is continued to January 30, 2010 at 9:30 a.m.;				
7	5. All parties reserve all rights and arguments, including the right to apply to				
8	the Court to extend any deadline recited herein.				
9					
10	DATED: September 18, 2019	THE LAW OFFICES OF THOMAS V.			
11		CHRISTOPHER			
12	D				
13	By:	/s/ Thomas V. Christopher THOMAS V. CHRISTOPHER			
14		Attorneys for Plaintiff 3taps, Inc.			
15					
16	DATED: September 18, 2019	MUNGER, TOLLES & OLSON LLP			
17					
18	By:	/s/ Jonathan H. Blavin			
19	2,.	JONATHAN H. BLAVIN			
20		Attorneys for Defendant LinkedIn Corporation			
21	N.D. Cal. Civil Local Rule 5-1 Attestation				
22					
23					
24					
25					
26	<u>/s/ Jonathan H. Blavin</u> Jonathan H. Blavin				
27		Allemini II. Diuvili			
28					
		-3- 18-cv-00855-EMC			
	STIPULATION AND [PROP	OSED] ORDER CLARIFYING STAY			

1	PURSUANT TO STIPULATION, IT IS SO ORDERED.
2	
3	DATED: September 23, 2019
4	
5	
6	EDWARD M. CHEN United States District Judge
7	
8	
9	
10	
11	
12	
13	
14	
15	
16	
17 18	
19	
20	
21	
22	
23	
24	
25	
26	
27	
28	